

## David Bordelon

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**From:** Michelle Ludwigsen <michelleludwigsen@att.net>  
**Sent:** Sunday, October 25, 2020 4:28 PM  
**To:** David Bordelon  
**Subject:** Re: Ethics Advisory Opinion 2020-619 - update

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David,

In response to your question, I was assigned to Division K which is one of the 2 family courts in the 22nd. I only handled matters related to matters assigned to Division K. I was not assigned any work assigned to the other family court division, Division L or any other division within the 22nd JDC.

I do want to summarize a few issues:

1. There are 2 family court divisions, Division K, Division L. Each division had an assigned mental health professional (MHP). Each MHP completed all necessary training in Parenting Coordination required by the statute in order to provide this service and each MHP was available to their assigned division to complete other duties as assigned.
2. The PC would acquire cases either through consent of the parties and/or through the recommendation of the hearing officer and/or through the appointment of the Judge within the PC's/MHP's assigned division. If through consent of the parties or recommendation of the hearing officer, the assigned division Judge would need to approve by signing Order to Appoint a Parenting Coordinator.
3. I was verbally notified by the previous court administrator mid June that the 22nd JDC would no longer provide Parenting Coordination (PC) services, and thus, both myself and the other PC (assigned to Division L) would be working through September 18 (90 day notice of layoff).
4. During the remaining 90 days, I later learned the court administration would be keeping the division L mental health professional/PC on staff, however, the verbal communication I received continued to support the initial reason for layoff as they court was no longer going to provide PC services.
5. I was advised by court administration to seek an advisory opinion as to my ability to provide PC services for those parties assigned to the 22nd JDC.

At the initial notice of my layoff, I was explicitly told that the the layoff was because the court would no longer provide PC services (budget issues) and this was reinforced during my final 90 days. I am not aware if there has been any changes to the previous decision as it relates to Parenting Coordination services following my departure.

I hope this serves as helpful.

Michelle Ludwigsen, MSW, LMSW

42173 Jasper Lane  
Ponchatoula, LA 70454  
(985) 400-4933

On Oct 21, 2020, at 10:13 AM, David Bordelon <[David.Bordelon@la.gov](mailto:David.Bordelon@la.gov)> wrote:

Michelle,

I am assisting Sue Mooney with your advisory opinion request.

I have a couple of questions:

Which family court division were you assigned to?

Did you only handle matters for that division or could the other division assign you matters?

**David M. Bordelon**

Staff Attorney

Louisiana Board of Ethics

Lasalle Building, 10<sup>th</sup> Floor

617 N. Third Street (70802)

P.O. Box 4368 (70821)

Baton Rouge, Louisiana

Direct: 225.219.5605

Office: 225.219.5600

Toll Free: 1-800-842-6630

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**From:** Suzanne Mooney <[Suzanne.Mooney@LA.GOV](mailto:Suzanne.Mooney@LA.GOV)>

**Sent:** Tuesday, October 20, 2020 11:57 AM

**To:** David Bordelon <[David.Bordelon@la.gov](mailto:David.Bordelon@la.gov)>

**Subject:** Fwd: Ethics Advisory Opinion 2020-619 - update

Sent from my iPhone

Begin forwarded message:

**From:** Suzanne Mooney <[Suzanne.Mooney@LA.GOV](mailto:Suzanne.Mooney@LA.GOV)>  
**Date:** September 29, 2020 at 2:13:00 PM CDT  
**To:** Michelle Ludwigsen <[michelleludwigsen@att.net](mailto:michelleludwigsen@att.net)>  
**Subject:** RE: Ethics Advisory Opinion 2020-619 - update

Just to let you know I did not mention it because whether the parties agree (or Consent) is not relevant to a potential Ethics violation. You will hear about that type of consent when parties are talking about legal conflicts of interest. Usually it is in reference to the La. Bar Association Code of Conduct.

I will keep posted.

**Sue Mooney**

Staff Attorney  
The Louisiana Board of Ethics  
LaSalle Building – 10<sup>th</sup> Floor  
617 N. Third Street  
Baton Rouge, Louisiana 70802  
website: [www.ethics.la.gov](http://www.ethics.la.gov) | e-mail: [Suzanne.Mooney@La.Gov](mailto:Suzanne.Mooney@La.Gov)  
Office: (225) 219-5600 Toll Free: (800) 842-6630 Fax: (225) 381-7271

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**From:** Michelle Ludwigsen <[michelleludwigsen@att.net](mailto:michelleludwigsen@att.net)>  
**Sent:** Tuesday, September 29, 2020 2:04 PM  
**To:** Suzanne Mooney <[Suzanne.Mooney@LA.GOV](mailto:Suzanne.Mooney@LA.GOV)>  
**Subject:** Re: Ethics Advisory Opinion 2020-619 - update

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I am not in competition with the 22nd If they are no longer providing PC services, I don't see anything that addresses that in the statute. What if clients (new or former) consent and elect to utilize a PC and select me as that provider?

On Sep 29, 2020, at 1:39 PM, Suzanne Mooney  
<[Suzanne.Mooney@la.gov](mailto:Suzanne.Mooney@la.gov)> wrote:

Dear Michelle,

I have left messages for Amber Mitchell the Judicial Administrator and sent her an e-mail. Your opinion is now scheduled for November 6<sup>th</sup> at 9am.

This is the beginning of the draft of your opinion. I am waiting on the answer to finalize.

You requested an advisory opinion regarding whether the post-employment restrictions in Code of Governmental Ethics would prohibit you from rendering compensated services to certain clients since your public position as Parenting Coordinator with 22<sup>nd</sup> Judicial District Court no longer exist.

#### **FACTS PROVIDED**

You provided that you have been employed with 22<sup>nd</sup> JDC (St. Tammany Parish) for 3 years as the Parenting Coordinator assigned to one of two family court divisions. In June of 2020 you were informed that the 22<sup>nd</sup> JDC will terminate the provision of parenting coordination services. As such you were provided notice that your position will end September 18, 2020. Effective September 21, 2020 the 22<sup>nd</sup> JDC will no longer offer or provide parenting coordinating services.

#### **ISSUES**

1. Are you allowed, immediately following your termination date, to provide parent coordination services to clients privately and for profit, with whom you were formerly providing the same service through your employment with 22<sup>nd</sup> JDC, provided that 22<sup>nd</sup> JDC will no longer provide such service.
2. Are you allowed, immediately following your termination date, to accept new referrals or appointments from 22<sup>nd</sup> JDC.

3. Are you allowed, immediately following your termination date, to provide parent coordination services to new clients.

### LAW

**La. R.S. 42:1121 B(1)** provides that no former public employee shall, for a period of two years following termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to for, or on behalf of the agency with which he was formerly employed.

Analysis and conclusions: ???

Under the facts presented in particular whether your agency, no longer exist, would make the difference in the answer to number 1.

- 1) Because if your agency no longer exist you cannot be contracting with her former agency. However, if the 22<sup>nd</sup> JDC is still providing parent coordinating services and has just laid off a single position or terminated one person 1121B would prohibit you, that terminated employee, from immediately rendering compensated services to your current clients.
- 2) 1121B would not prohibit you from immediately rendering services on new referrals as did not participated at any time during your public employment. Or
- 3) 1121B would not prohibit you from immediately rendering parent coordination services to new clients.

Therefore, we need to confirm if the 22<sup>nd</sup> JDC will still employ any person to provide parenting coordination services even if it is a part time position. Additionally, if anyone has a flow chart of employees it would be helpful. I will let you know as soon as I hear anything. Please do not hesitate to contact me at (225)219-5601 or this e-mail.

Sincerely,

# Suzanne Q. Mooney

Staff Attorney

The Louisiana Board of Ethics

LaSalle Building – 10<sup>th</sup> Floor

617 N. Third Street

Baton Rouge, Louisiana 70802

website: [www.ethics.la.gov](http://www.ethics.la.gov) | e-mail: [Suzanne.Mooney@La.Gov](mailto:Suzanne.Mooney@La.Gov)

Office: (225) 219-5600 Toll Free: (800) 842-6630 Fax: (225) 381-7271

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